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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,206	12/23/2005	Justin L. Namespetra	PAT 876W-2	5408
7590 11/25/2008				
Borden Ladner Gervais Wold Exchange Plaza Suite 1100 100 Queen Street Ottawa, ON K1P 1J9 CANADA				
EXAMINER				
ALLEN, CAMERON J				
ART UNIT		PAPER NUMBER		
1797				
MAIL DATE		DELIVERY MODE		
11/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,206

Applicant(s)

NAME SPETRA ET AL.

Examiner

CAMERON J. ALLEN

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-25 are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/08)
Paper No(s)/Mail Date See Continuation Sheet
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :4/03/2008, 3/23/2006, 11/17/2008.

DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

- I. Claims 20-25, are drawn to a system of sanitizing of items using a removable base.
- II. Claims 17-19, are drawn to a method of sanitizing items using a removable base.
- III. Claims 1-16, are drawn to a water purification system using a removable base.

The inventions listed as Groups III, II and I do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: there is no single general inventive concept. The sanitizing system and method and the water purification system in the instant application does not make a contribution over the prior art. The Boyd Patent US 2002/0185423 A1 discloses a system and method of sanitizing of items using a removable base comprising all the features of the claimed removable base sanitation system and therefore anticipates the claimed removable base sanitation system. See column 1 lines 39-55, and column 2 line 29-46.

During a telephone conversation with Cutis Behman on 11/20/2008, a provisional election was made without traverse to prosecute the invention of group III, claims 20-25. Affirmation of this election must be made by applicant in replying to this Office action.

Claims 1-19 are withdrawn from further consideration by the examiner, 37
CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by Boyd US
2002/0185423.

Regarding claim 20, Boyd discloses a sanitizing container for sanitizing items, the sanitizing container for use with a sanitizing base unit, the sanitizing container comprising:

an outer container including a fluid transfer valve for removable fluid communication with the sanitizing base unit; and (0011, 0069)

an item container for mating with the outer container, capable of receiving items to be sanitized. (0011)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyd et al as applied in claim 20 and in further view of Kasting JR. US 5,520,893.

Regarding claim 21, Boyd discloses an item sanitizing system comprising: a container having a fluid transfer device and a base for receiving the container in removable fluid communication with the fluid transfer device, said base comprising a

purification technology for purification of water

received from the container; and a water circulator for circulating water between the container and the purification technology, (Boyd 0015, 0069) but does not disclose having an item holder for holding items in the container for sanitization. Kasting does disclose (Figure 6) the use of an instrument sterilizing pan to hold items to be sanitized. Both Boyd and Kasting disclose a system for sterilization using a pump, a recirculation lines and an ozone water sanitizing solution. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Boyd reference with the Kasting reference by adding a sterilization pan to the system, since it would yield the extra and expected benefit of holding objects to be cleaned.

Regarding claim 22, Boyd in view of Kasting discloses the item sanitizing system according to claim 21, wherein said water circulator comprises a pump, connections, and electronic controls. (Boyd 0069)

Regarding claim 23, Boyd in view of Kasting discloses the item sanitizing system of claim 22, wherein said electronic controls comprise an auto-sensing circuit which detects the presence of the filtration device on the base, activates an appropriate program, and illuminates a ready light. (Boyd 141, 142, 142)

Regarding claim 24, Boyd in view of Kasting discloses the item sanitizing system of claim 23, wherein said program is initiated when a user pushes a start button when said ready light is illuminated. (Boyd 0157)

Regarding claim 25, Boyd in view of Kasting discloses the item sanitizing system of claim 24, wherein said program comprises a treatment period controlled by time

and/or concentration, said treatment period consisting of:

- a) drawing water from the lower reservoir via a pump, (0105 Boyd)
- b) pumping water from (a) through the purification technology, (0105 Boyd)
- c) directing water from (b) back into the lower reservoir; and (0069 Boyd)
- d) communicating to the user via a light and/or audible alarm indicating that the container can be removed from the base. (0159 Boyd)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CAMERON J. ALLEN whose telephone number is (571)270-3164. The examiner can normally be reached on M-Th 9-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CJA

/Walter D. Griffin/
Supervisory Patent Examiner, Art Unit 1797